

95 FEB 10 PM 1:50
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of the document which was filed of record in the Chief Clerk's Office and referred to the committee on:

licensing
Administrative Procedure

Cynthia [Signature]

Chief Clerk of the House

FILED JAN 25 1995

By CARONA

H. B. No. 800

A BILL TO BE ENTITLED

AN ACT

relating to municipal requirements regarding the regulation of air conditioning and refrigeration contractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. REPORTING REQUIREMENT. (a) Each air conditioning and refrigeration contractor [person] licensed under this Act shall notify the municipal authority who has control of the enforcement of regulations relative to air conditioning and refrigeration contracting in the municipality in which the person is engaged in air conditioning and refrigeration contracting that the person has obtained a state license.

(b) The notification must be in the form required by the municipality.

(c) A fee imposed by a municipality on a contractor to provide notice under this section may not exceed the cost incurred by the municipality in recording the state license number of the contractor.

SECTION 2. Section 9, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. MUNICIPAL REGULATION. (a) A license issued by a

1 municipality of this state that complies with the requirements of
2 this section is valid under the terms of the license within that
3 municipality. However, a license issued under this Act is valid
4 throughout the state, and the holder and people under supervision
5 are not required to hold a municipal license to practice air
6 conditioning and refrigeration contracting in any municipality
7 within this state.

8 (b) An applicant for a municipal license must:

9 (1) pass an examination that is at least as
10 comprehensive as the examination required by the commissioner for
11 an air conditioning and refrigeration contractor license of the
12 class of work that the municipal applicant proposes to perform; and

13 (2) meet experience requirements that are at least as
14 strict as those required under Section 4(e) of this Act for an air
15 conditioning and refrigeration contractor license.

16 (c) A municipality may by ordinance adopt and enforce
17 standards for air conditioning and refrigeration contractors that
18 are consistent with the standards established under this Act. The
19 municipality shall report violations of the ordinance to the
20 commissioner not later than the 10th day after the date on which
21 the municipality takes action to enforce the ordinance. Conviction
22 of an offense under the municipal ordinance is a ground for the
23 denial, suspension, or revocation of a license issued under this
24 Act.

25 SECTION 3. (a) Except as provided by Subsection (b) of this
26 section, the change in law made by Section 9, Air Conditioning and
27 Refrigeration Contractor License Law (Article 8861, Vernon's Texas

1 Civil Statutes), as amended by this Act, applies to a municipal
2 license that is issued or renewed on or after the effective date of
3 this Act. A municipality subject to that section shall adopt
4 examination requirements in compliance with that section not later
5 than January 1, 1996.

6 (b) To continue to engage in the practice of air
7 conditioning and refrigeration contracting after September 1, 1995,
8 a person who holds a municipal license on the effective date of
9 this Act must satisfy the examination requirements imposed under
10 Section 9(b), Air Conditioning and Refrigeration Contractor License
11 Law (Article 8861, Vernon's Texas Civil Statutes), as amended by
12 this Act, not later than June 1, 1996.

13 SECTION 4. This Act takes effect September 1, 1995.

14 SECTION 5. The importance of this legislation and the
15 crowded condition of the calendars in both houses create an
16 emergency and an imperative public necessity that the
17 constitutional rule requiring bills to be read on three several
18 days in each house be suspended, and this rule is hereby suspended.

COAUTHOR AUTHORIZATION-74TH LEGISLATURE

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 800

John Carona
signature of primary author

JOHN CARONA
printed name of primary author

1/24/95
Date

PERMISSION TO SIGN HB 800 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)



ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2115 Allen	Date	A2125 Alonzo	Date
A2105 Alvarado	Date	A2135 Averitt	Date	A2160 Bailey	Date
A2200 Berlanga	Date	A2240 Black	Date	A2270 Bomer	Date
A2275 Bosse	Date	A2265 Brady	Date	A2260 Brimer	Date
A2405 Carona	Date	A2400 Carter	Date	A2480 Chisum	Date
A2530 Clemons	Date	A2435 Coleman	Date	A2575 Combs	Date
A2580 Conley	Date	A2570 Cook	Date	A2595 Corte	Date
A2600 Counts	Date	A2605 Crabb	Date	A2610 Craddick	Date
A2645 Cuellar, Henry	Date	A2646 Cuellar, Renato	Date	A2635 Culberson	Date
A2670 Danburg	Date	A2675 Davila	Date	A2625 Davis	Date
A2630 De La Garza	Date	A2685 Dear	Date	A2680 Delisi	Date
A3385 Denny	Date	A2705 Driver	Date	A2665 Dukes	Date
A2655 Duncan	Date	A2650 Dutton	Date	A2770 Edwards	Date
A2760 Ehrhardt	Date	A2775 Eiland	Date	A2785 Elkins	Date
A2810 Farrar	Date	A2830 Finnell	Date	A2920 Gallego	Date
A2935 Giddings	Date	A2880 Glaze	Date	A2985 Goodman	Date
A2990 Goolsby	Date	A3005 Gray	Date	A3010 Greenberg	Date
A3020 Grusendorf	Date	A3030 Gutierrez	Date	A3035 Haggerty	Date
A2695 Hamric	Date	A3120 Harris	Date	A3170 Hartnett	Date
A3345 Hawley	Date	A3180 Heflin	Date	A3230 Hernandez	Date
A3240 Hightower	Date	A3310 Hilbert	Date	A3250 Hilderbran	Date

For chief clerk use only

Bill or Resolution Number: HB 800

A3275 Hill	Date	A3285 Hirschi	Date	A3305 Hochberg	Date
A3295 Holzheuser	Date	A3300 Horn	Date	A3315 Howard	Date
A3350 Hudson	Date	A3355 Hunter, Bob	Date	A3365 Hunter, Todd	Date
A3380 Jackson	Date	A3415 Janek	Date	A3395 Johnson	Date
A3405 Jones, Delwin	Date	A3400 Jones, Jesse	Date	A3440 Junell	Date
A3460 Kamel	Date	A3465 King	Date	A3485 Krusee	Date
A3490 Kubiak	Date	A3450 Kuempel	Date	A3510 Laney	Date
A3605 Lewis, Glenn	Date	A3600 Lewis, Ron		A3615 Longoria	Date
A3620 Luna	Date	A3715 Madden	Date	A3750 Marchant	Date
A2700 Maxey	Date	A3665 McCall	Date	A3670 McCoulskey	Date
A3660 McDonald	Date	A3850 Moffat	Date	A3860 Moreno	Date
A3865 Mowery	Date	A3855 Munoz	Date	A3885 Naishtat	Date
A3895 Nixon	Date	A3875 Oakley	Date	A3990 Ogden	Date
A3880 Oliveira	Date	A4020 Park	Date	A4070 Patterson	Date
A4180 Pickett	Date	A4185 Pitts	Date	A4110 Place	Date
A4190 Price	Date	A4200 Puente	Date	A4230 Rabuck	Date
A4210 Ramsay	Date	A4240 Rangel	Date	A4235 Raymond	Date
A4236 Reyna	Date	A4260 Rhodes	Date	A4315 Rodriguez	Date
A4325 Romo	Date	A4305 Rusling	Date	A4370 Sadler	Date
A4380 Saunders	Date	A4425 Seidlits	Date	A4460 Serna	Date
A4435 Shields	Date	A4445 Siebert	Date	A4530 Smithee	Date
A4550 Solis	Date	A4505 Solomons	Date	A4510 Stiles	Date
A4570 Swinford	Date	A4585 Talton	Date	A4605 Telford	Date
A4630 Thompson	Date	A4635 Tillery	Date	A4640 Torres	Date
A2730 Turner, Bob	Date	A4685 Turner, Sylvester	Date	A4690 Uher	Date
A4720 Van de Putte	Date	A4990 Walker	Date	A4995 West	Date
A5010 Williamson	Date	A4970 Willis	Date	A5000 Wilson	Date
A5015 Wohlgemuth	Date	A4980 Wolens	Date	A5005 Woolley	Date
A5025 Yarbrough	Date	A5030 Yost	Date	A5040 Zbranek	Date

HOUSE COMMITTEE REPORT

1st Printing

By Carona

H.B. No. 800

Substitute the following for H.B. No. 800:

By Yarbrough

C.S.H.B. No. 800

A BILL TO BE ENTITLED

AN ACT

relating to municipal requirements regarding the regulation of air conditioning and refrigeration contractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. REPORTING REQUIREMENT. (a) Each air conditioning and refrigeration contractor [person] licensed under this Act shall notify the municipal authority who has control of the enforcement of regulations relative to air conditioning and refrigeration contracting in the municipality in which the person is engaged in air conditioning and refrigeration contracting that the person has obtained a state license.

(b) The notification must be in the form required by the municipality.

(c) The amount of a fee imposed by a municipality on a contractor to provide notice under this section must be an amount reasonable and necessary to implement this section.

SECTION 2. Section 9, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. MUNICIPAL REGULATION. (a) A license issued by a municipality of this state that complies with the requirements of

this section is valid under the terms of the license within that municipality. However, a license issued under this Act is valid throughout the state, and the holder and people under supervision are not required to hold a municipal license to practice air conditioning and refrigeration contracting in any municipality within this state.

(b) An applicant for a municipal license must:

(1) pass an examination that covers the same subjects as the examination required by the commissioner for an air conditioning and refrigeration contractor license of the class of work that the municipal applicant proposes to perform; and

(2) meet experience requirements that are at least as strict as those required under Section 4(e) of this Act for an air conditioning and refrigeration contractor license.

(c) A municipality may by ordinance adopt and enforce standards for air conditioning and refrigeration contractors that are consistent with the standards established under this Act. The municipality shall report violations of the ordinance to the commissioner not later than the 10th day after the date on which the municipality takes action to enforce the ordinance. Conviction of an offense under the municipal ordinance is a ground for the denial, suspension, or revocation of a license issued under this Act.

SECTION 3. (a) Except as provided by Subsection (b) of this section, the change in law made by Section 9, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), as amended by this Act, applies to a municipal

1 license that is issued or renewed on or after the effective date of
2 this Act. A municipality subject to that section shall adopt
3 examination requirements in compliance with that section not later
4 than January 1, 1996.

5 (b) To continue to engage in the practice of air
6 conditioning and refrigeration contracting after September 1, 1995,
7 a person who holds a municipal license on the effective date of
8 this Act must satisfy the examination requirements imposed under
9 Section 9(b), Air Conditioning and Refrigeration Contractor License
10 Law (Article 8861, Vernon's Texas Civil Statutes), as amended by
11 this Act, not later than June 1, 1996.

12 SECTION 4. This Act takes effect September 1, 1995.

13 SECTION 5. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

4-11-95
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred HB 800 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes () no A fiscal note was requested.
- () yes (X) no A criminal justice policy impact statement was requested.
- () yes (X) no An equalized educational funding impact statement was requested.
- () yes (X) no An actuarial analysis was requested.
- () yes (X) no A water development policy impact statement was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____


Joint Sponsors _____ / _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.	X			
Kubiak, V.C.	X			
Brimer				X
Dear				X
Goolsby	X			
Jones, D.				X
Pickett	X			
Torres	X			
Yarbrough	X			

Total 6 aye
 0 nay
 1 present, not voting
 3 absent


CHAIRMAN

BILL ANALYSIS

Licensing & Administrative Procedures Committee

C.S.H.B. 800

By: Carona

4-11-95

Committee Report (Substituted)

BACKGROUND

The Air Conditioning and Refrigeration Contractor License Law (Article 8861) was originally passed in 1983 to provide consumer protection and industry relief from widely varying municipality requirements. The law requires persons engaging in environmental air conditioning, commercial refrigeration, or process heating or cooling to be examined and licensed by the State of Texas. The original law applied only to environmental air conditioning. In 1987 ventilation was added to the definition of environmental air conditioning, and commercial refrigeration and process cooling and heating was added as an endorsement to the same license.

Under current law, a license issued by a municipality of Texas is valid under the terms of the license *within that municipality*, while a license issued under the Air Conditioning and Refrigeration Contractor License Law is valid *throughout the state*. Municipalities are authorized by ordinance to adopt and enforce standards for air conditioning and refrigeration contractors that are consistent with the standards established under the statewide license law.

PURPOSE

C.S.H.B. 800 would require that the fee a municipality charges an air conditioning and refrigeration contractor for recording the state license number of the contractor be both a reasonable and necessary fee. It would require an applicant for a municipal license to pass an examination that covers the same areas as the examination required for the state air conditioning and refrigeration contractor license and meet experience requirements that are at least as strict as those required under the state Air Conditioning and Refrigeration Contractor License Law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7, Air Conditioning and Refrigeration Contractor License Law (Article 8861, V.T.C.S.) Requires a fee imposed by a municipality on an air conditioning and refrigeration contractor, to provide notice that he has obtained a state license, be a reasonable fee.

SECTION 2. Amends Section 9, Air Conditioning and Refrigeration Contractor License Law (Article 8861, V.T.C.S.) Requires an applicant for a municipal license to pass an examination that covers the same areas as the examination required for the state air conditioning and refrigeration contractor license and meet experience requirements that are at least as strict as those required under the state Air Conditioning and Refrigeration Contractor License Law.

SECTION 3. Limits the application of Section 9, as amended by this Act, to a municipal license issued or renewed on or after September 1, 1995, and requires municipalities to adopt examination requirements in compliance with this Act not later than January 1, 1996. Provides that a person who holds a municipal license on September 1, 1995, must satisfy the examination requirements imposed under Section 9(b) of this Act by June 1, 1996, in order to continue to engage in the practice of air conditioning and refrigeration contracting.

SECTION 4. Effective date: September 1, 1995.

SECTION 5. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute for HB 800 changes the wording in SECTION 1, to require that the fee imposed by a municipality on a contractor to provide notice under this section, must be a reasonable and necessary fee and deletes the phrase "may not exceed the cost incurred by the municipality in recording the state license number of the contractor" that was contained in the original. Also the substitute changes the wording in SECTION 2 to require that an applicant for a municipal license must pass an examination that covers the same subjects as the examination required by the commissioner and deletes the phrase "is as least as comprehensive".

SUMMARY OF COMMITTEE ACTION

HB 800 was heard in a Public Hearing on March 29, 1995. Rep. Yarbrough offered a complete committee substitute. There was no objection. The Chair recognized the following persons to testify in favor of the bill:

Mr. Fred E. Kahn, TACCA;

HB 800 was left pending in committee. There was no objection. HB 800 was heard in a Public Hearing on April 11, 1995. The Chair called up HB 800 which was pending in committee. There was no objection. Rep. Yarbrough offered a complete committee substitute, and moved that the full committee adopt CSHB 800. There was no objection. Rep. Yarbrough moved that the full committee adopt HB 800 as substituted, and that it be reported favorably to the full House with the recommendation that it do pass and be printed. The motion prevailed by the following vote: AYES: 6, NAYS: 0, ABSENT: 3.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

April 17, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: Committee Substitute
for House Bill No. 800

FROM: John Kael, Director

In response to your request for a Fiscal Note on House Bill No. 800 (relating to municipal requirements regarding the regulation of air conditioning and refrigeration contractors) this office has determined the following:

The bill amends the Air Conditioning and Refrigeration Contractor License Law and limits the amounts that municipalities can charge for municipal contractor licenses to the cost incurred by the municipality in recording the state license number. The bill also requires contractors licensed by the municipalities to meet state examination and experience requirements. Municipalities would be required to notify the Department of Licensing and Regulation of any violations of the ordinances governing these contractors.

Many municipalities would be required to change their fees for registering state contractor licenses. Costs of developing or upgrading exams could be passed on to those who take the exams.

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, CT, DF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

March 28, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 800
By: Carona

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 800 (Relating to municipal requirements regarding the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

The bill amends the Air Conditioning and Refrigeration Contractor License Law and limits the amounts that municipalities can charge for municipal contractor licenses to the cost incurred by the municipality in recording the state license number. The bill also requires contractors licensed by the municipalities to meet state examination and experience requirements. Municipalities would be required to notify the Department of Licensing and Regulation of any violations of the ordinances governing these contractors.

Many municipalities would be required to change their fees for registering state contractor licenses. Costs of developing or upgrading exams could be passed on to those who take the exams.

No significant fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: Department of Licensing and Regulation
LBB Staff: JK, LR, DF

H.B. No. 800

By

CARONA

**A BILL TO BE ENTITLED
AN ACT**

Relating to municipal requirements regarding the regulation of air conditioning and refrigeration contractors.

1-25-95

Filed with the Chief Clerk

FEB 2 1995

Read first time and referred to Committee on

Licensing & Administrative Procedures

4-11-95

Reported favorably (~~as amended~~)
(as substituted)

APR 20 1995

Sent to Committee on (Calendars)

(~~Local & Consent Calendars~~)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

50 APR 20 AM 10:00
FILED IN 100-100000